

To: "Nepstad, Michael G SPK" [Michael.G.Nepstad@usace.army.mil]
Cc: []
Bcc: []
From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Thur 6/16/2011 6:34:22 PM
Subject: Re: All, I would like to send the following to NAWI, Let me know what you think:

looks accurate to me.

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KAREN SCHWINN  
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From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>, Karen Schwinn/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA, Erin Foresman/R9/USEPA/US@EPA, "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>
Date: 06/16/2011 11:12 AM
Subject: All, I would like to send the following to NAWI, Let me know what you think:

On 16 June 2011, the Bureau of Reclamation informed the Corps that the 2009 NOI contained the final and current version of the Purpose and Need Statement for the EIS/EIR of the Bay Delta Conservation Plan (BDCP) Program. Under NEPA, Lead Federal Agencies are Responsible for the content of a NEPA document. The Corps has agreed to be a Cooperating Agency for the BDCP and so is not responsible for the content of the EIS/EIR for the Bay Delta Conservation Plan (BDCP) Program. In addition, while the Corps does have jurisdiction over most of the individual actions which comprise the BDCP Program, the Corps does not make permit decisions on programmatic plans such as the BDCP Program. Therefore the Corps will not be using the EIS/EIR for the BDCP to make a permit decision on the BDCP Program. Because the Corps has no permit decision to make on the BDCP Program, the Corps does not have any comments on the Purpose and Need Statement for the EIS/EIR of the BDCP as published in the 2009 NOI.

The Corps will make separate permit decisions on the individual projects of the BDCP Program as they apply for permits. The Bureau of Reclamation has indicated that: 1) at least one of the individual projects of the BDCP Program would be analyzed at a project specific level of detail in the

EIS/EIR for the BDCP Program; and 2) they would like the Corps to be able to use that document as a basis of our permit decision. We would like to continue pursuing an MOU so that we can collectively establish a reasonable process for ensuring the BDCP EIS/EIR includes sufficient information on which to make our permit decisions on the one or more individual projects analyzed at a project specific level of detail. Our next interagency meeting on the MOU is 22 June 2011.

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